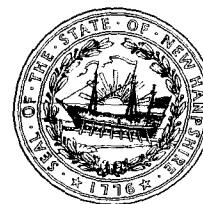




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. David Abraham
The Red Jacket Hotel
RT 16 PO BOX 2000
North Conway, New Hampshire 03860

LETTER OF DEFICIENCY
WMB PBF 06-005
March 27, 2006

Dear Mr. Abraham:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Wq 1100 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On March 21, 2006, DES inspected the following public bathing facilities at the Red Jacket Hotel in North Conway, NH: the pool ("Pool") and spa ("Spa").

During this inspection, the following deficiencies were noted:

1. A recommendation to close the pool and spa was issued on March 21, 2006. The inspection on March 21, 2006 revealed that the Pool was in violation of Env-Wq 1105.10 and unsafe for public use. The following bacterial violations were observed in the Pool water:
 - a. Pursuant to Env-Wq 1105.10(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Pool water contained 2 CTS/100mL of total coliform bacteria.
 - b. Pursuant to Env-Wq 1105.10(a)(2) the maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.
2. Env-Wq 1105.10(b)(6a) requires a free residual chlorine concentration between 1.0 mg/L and 5.0 mg/L in public pool water. The free chlorine residual of the Pool water was zero on March 21, 2006. A recommendation to close and super chlorinate the Pool was issued on March 21, 2006.
3. Env-Wq 1105.10(b)(7) requires a bromine concentration between 2.0 mg/L and 10.0 mg/L in public spa water. The bromine concentration of the Spa water was approximately 1.0 mg/L on March 21, 2006. A recommendation to close the Spa was issued on March 21, 2006.
4. Env-Wq 1105.10(b)(1) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Pool water was 6.9 on March 21, 2006.
5. Env-Wq 1105.10(b)(1) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Spa water was 6.7 on March 21, 2006.
6. Pursuant to Env-Wq 1105.10(b)(4), spa water temperature shall not exceed 104°F. The temperature of the Spa water was 106°F on March 21, 2006.
7. Env-Wq 1106.04(a)(2) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a working flow meter.
8. Env-Wq 1106.04(a)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a working flow meter.


9. Swimming pool hydraulic design system shall comply with Env-Wq 1106.03. The circulation system for the Pool does not comply with Env-Wq 1106.03.
10. Pursuant to Env-Wq 1105.12, pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the recirculation system shall be kept in operation for the duration of one turnover time (i.e., the passage of a facility's volume of water through the recirculation system once) prior to and consistently during use of a public bathing facility. The pump and filter for the Pool were not in operation at the time of inspection.
11. Pursuant to Env-Wq 1106.05(d), stabilized chlorine shall not be permitted for indoor facilities. The type of disinfectant being used is a stabilized form of chlorine.
12. Pursuant to Env-Wq 1106.05(a)(2), disinfection feed shall be by a unit that controls the rate of tablet erosion. The disinfection feeder for the spa was installed incorrectly and not being used as intended.

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the non-stabilized chlorine feeder to be installed.
3. A timetable of when:
 - a. the proper installation of the bromine feeder will be completed; and
 - b. the installation or repair of the flow meters will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Wq 1101-1105. After a violation of Env-Wq 1105.10(a)-(d), the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Wq 1101-1110 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.nh.gov/Pools/>

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 5848

cc: ✓ Gretchen R. Hamel, Legal Unit Administrator, DES
Tim Wilson, Public Bathing Facility Coordinator, DES
Kenneth Kiesman, Health Officer, Town of Conway